

REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 1-14 are in this case. Claims 9-14 were withdrawn under a restriction requirement as drawn to a non-elected invention. Claims 1-8 have been rejected. Claim 1 has now been amended. Claim 2 has now been cancelled.

35 U.S.C. § 102 Rejections

The Examiner has rejected claims 1-2 and 7-8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 4,469,676 to Heemati et al. The Examiners rejections are respectfully traversed. Claim 1 has now been amended.

As was conveyed to the Examiner in the phone interview conducted June 24, Applicant is of the strong opinion that amendment of claim 1 to include the limitation "cultured isolated" with respect to the cartilage producing cells utilized by the method of the present invention traverses the Examiners rejections in this case. Support for this amendment can be found in Examples 1 and 2 of the Examples section of the instant application.

As was discussed in the response to the previous office action, numerous prior art publications including U.S. Pat. No. 4,469,676 teach various uses of chondrocyte containing preparations in reconstructive surgery and tissue repair. However, none describe or suggest cosmetic repair of skin contour irregularities using cell suspensions which include **cultured** isolated chondrocytes or chondrocyte progenitors.

In view of the above amendment and remarks, Applicant is of the opinion that the present invention as now claimed in not anticipated or rendered obvious by the teachings of U.S. Pat. No. 4,469,676.

35 U.S.C. § 103 Rejections

The Examiner has rejected claims 1 and 7 under 35 U.S.C. § 103(a) as being anticipated by Park et al. The Examiner has also rejected claims 1, 2 and 4-7 under 35 U.S.C. § 103(a) as being anticipated by Kim et al. The Examiners rejections are traversed. Claim 1 has now been amended.

Contrary to the Examiners assertion, Park et al. do not teach implantation of isolated chondrocytes but rather implantation of a chondrocyte-seeded three-dimensional biodegradable template. Such a seeded implant possesses numerous limitations which result from the rigidity of its structure as well as requires a more invasive approach for implantation. Like Hecmati et al., Park et al. do not discuss the use of isolated template-free cells and as such do not render obvious the use of "cultured isolated cartilage producing cells" as claimed by the present invention.

The teachings of Kim et al. are similar to those of Park et al. in that Kim et al. engineer isolated and cultured chondrocytes into predetermined shapes using scaffolds prior to implantation.

In conclusion, the present invention, as now claimed, teaches the use of cultured isolated cartilage cell suspensions in treating skin contour irregularities. The prior art, while teachings the use of chondrocyte containing tissue or chondrocyte seeded grafts, does not describe or suggest the use of injectable cell suspensions in treating skin contour irregularities.

In addition, since the prior art cited by the Examiner does not describe or suggest cell suspension nor does it outline the benefits of using such suspensions, Applicant is of the strong opinion that the teachings of the prior art of record would not alone or in combination motivate one of ordinary skill in the art to produce the present invention.

In view of the above amendments and remarks it is respectfully submitted that claims 1, 3-8 are now in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



Sol Sheinbein
Registration No. 25,457

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